TERRY J. BUTLER, [IN PRO SE]
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FILED
2008 JUL 30 AM 11:07
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

'08 CV 1378 J LSP

KAISER MEDICAL HOSPITAL
LEGAL DEPARTMENT
4647 ZION AVE
SAN DIEGO, CALIFORNIA 92120

COVER PAGE

TERRY J. BUTLER,)	**COMPLAINT**
PLAINTIFF)	
)	
VS.)	
KAISER MEDICAL)	
HOSPITAL & TERESA)	
JOY JONES, ULRIKA B.)	
JANSSON-SCHUMACKER)	
& MARI M. PENDER-AHLES,)	
DEFENDANTS)	
______________________)	

Terry J. Butler, (In Pro Se)
3833 Nobel Drive #3422
San Diego, California, 92122
(858) 657-9273
Email: tbutlerbutler152@yahoo.com
Plaintiff In Pro Se

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

TERRY J. BUTLER,)	
)	**CASE No.________________**
PLAINTIFF)	**COMPLAINT**
Vs.)	
KAISER MEDICAL HOSPITAL &)	**(JURY DEMAND)**
TERESA JOY JONES, ULRIKA)	
B. JANSSON-SCHUMACKER &)	
MARI M. PENDER-AHLES,)	
DEFENDANTS)	)
________________________)	

NATURE OF THE ACTION

This is an action under [VIOLATIONS] of the {FEDERAL EMERGENCY MEDICAL TREATMENT AND LABOR ACT}. The statute passed by Congress in 1986 which protect seriously ill or injured patients who have no insurance and no money to pay for treatment could not be turned away by hospitals and could not and should not be [Dumped in the streets]. The Act/Statute is known as the "Anti-

Dumping" statute. Defendants have committed Intentional Malice, Medical Professional Negligence, Emotional Distress, Egregious Conduct, and Fraud.

Kaiser's unlawful dumping patient's practice violates a federal statute, which protects plaintiff's rights under this law. Plaintiff wishes to find appropriate relief in this Federal Court of Law. The adversely affects which plaintiff suffered is addressed in this complaint, and plaintiff prays for a favorable decision in this case. As alleged with greater particularity below, Defendants, Kaiser and Teresa Joy Jones, and Ulrika B. Schumacker used malice, medical professional negligence, emotional distress, oppression, fraud and egregious conduct against Terry J. Butler, ie. Plaintiff. And to this day Kaiser has taken no steps to address the behavior of their co/defendants in anyway. The dumping of patients continues and this conduct has created a hostile medical environment. For Kaiser who has a record of violations that was exposed by the NEWS TV show CBS 60 minutes, which proved that in Los Angles California Kaisers practice dumping patients on Skid Row was a story waiting to be told. Now it would seem common practice for Kaiser because they feel nobody cares, and who has the money to fight them in court and most importantly who could win a case against them. This is what Kaiser legal department has threaten me with by calling my job and my house trying to give me legal advice and telling me that the courts are so back log that it may be 5years before my case is heard. This has caused me more stress to say the lease. The person that keeps calling is not even a lawyer, she a claims adjuster, who is rued and intimidating.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. 1331.
2. Kaiser's practices alleged to be unlawful, and were committed within the jurisdiction of the United States District Court for the Southern District of California.
3. Plaintiff, an American is expressly authorized to bring this action forth to this Court.
4. The district Courts shall have original Jurisdiction of all civil actions arising under the Constitution Law, or Treaties of the United States.
5. At all relevant times, Defendants, Kaiser and its co/defendants have continuously been a corporation doing business in the State of California and the City of San Diego, and have continuously had at least 15 employees.
6. At all relevant times, Defendants, have continuously been an employer engaged in an industry affecting commerce.

STATEMENT OF CLAIMS

7. More than sixty days prior to the institution of this lawsuit, Terry J. Butler, plaintiff, served defendants with a formal complaint trying to settle this matter for the cost of medical bills caused by defendants neglect and violations

of the law, against plaintiff but was not taken serious. The standard of care by defendants against plaintiff was very unprofessional, and the conduct caused plaintiff to be admitted into Scripps Green Hospital in grave condition. After being wrongfully discharged and dumped in the hospitals parking lot.

8. Since at least March 2008, defendants has engaged in unlawful practices at its San Diego Hospital, and the medical records is part of the evidence plaintiff will bring forth in this case. Expert witnesses will complete the evidence needed to prosecute this case.

Defendants have altered records but not before plaintiff could secure all originals. Furthermore, respected Doctors and Nurses from Scripps Green Hospital has given their diagnoses and opinion, and with that testimony in support of this matter plaintiff knows he has a case that has merit.

Defendants knew or should have known that [A MEDICAL DOCTOR MUST STABILIZES A PATIENT FIRST BEFORE DISACHARGING THAT PATIENT.] [A MEDICAL DOCTOR IS NOT PAID TO INVESTGATE AND OR INTERAGATE A PATIENT ABOUT IF THE PATIENT HAS INSURANCE OR NOT; OR A DOCTOR SHOULD NOT ASK A PATIENT HOW DO THEY PLAN TO PAY FOR THEIR VISIT]. [A DOCTOR WHO SEES THAT A PATIENT HAS A SERIOUS MEDICAL CONDITION, AND ALSO IS IN PAIN, WITH A BLOOD PRESURE OF 180/190 AND HIS FEET ARE SO SWOLLEN THAT THE PATIENT CAN NOT EVEN PUT HIS SHOES ON; SHOULD NOT BE DUMPED, VIA WHEELCHAIR IN THE HOSPITAL

PARKING LOT, UNDER THE INFLUNCE OF NARCOTICS/PAIN MEDICATIONS GIVEN TO HIM BY THE HOSPITAL, THIS SHOULD NOT HAPPEN, BUT IN THIS CASE IT DID HAPPEN, IT HAPPEN TO PLAINTIFF. TODAY IT STILL GOES ON. PATINET DUMPING, IS COMMON AND NO INSURANCE, NO SERVICE THAT'S REAL. AGAIN IT HAPPEN TO PLAINTIFF.

DEFENDANTS FAILED TO ACT REASONABLY TO PREVENT OR CORRECT THE VIOLATION OF THE FEDERAL EMERGENCY MEDICAL TREATMENT ACTS, ALSO KNOWN AS THE ANTI-DUMPING STATUTE. IN APPROXIMATELY MARCH 2008, DEFENDANTS CONSTRUCTIVELY DISCHARGD PLAINTIFF WITH NO STANDARD OF CARE FOR HIS INJUIES. THIS UNLAWFUL PRACTICES STATED ABOVE WAS INTENTIONAL AND WITH NO-REGUARD FOR THE WELL BEING OF PLAINTIFF. THE UNLAWFUL PRACTICES OF DEFENDANTS WERE ALSO DONE WITH MALICE AND/OR WITH RECKLESS INDIFFERENCE TO THE FEDERALLY PROTECTED RIGHTS OF TERRY J. BUTLER, PLAINTIFF.

PRAYER FOR RELIEF

Wherefore, plaintiff respectfully requests that this Court:

A. Order Defendants to institute and carry out policies, practices and programs which provide education to Doctors and Nurses AT KAISER; about EMTALA, EMERGENCY MEDICAL TREATMENT ACT AND LABOR ACT.

B. Order Defendants to make whole Terry J. Butler by providing appropriate money to pay all medical bills during the time of this incident which injuries were caused by defendants.

C. Order Defendants to make whole Terry J. Butler by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained in this complaint, including to, emotional pain, suffering, inconvenience, mental anguish, humiliation, loss of enjoyment of life, and other nonpecuniary losses, in amounts to be determined at trial.

D. Order Defendants to pay punitive damages to Terry J. Butler and for its malicious and/or reckless conduct described in this complaint, in amounts to be determined at trial.

E. Grant such further relief as the Court deems necessary and proper in the public interest.

F. Award Terry J. Butler his costs in this action.

G. DEMAND FOR DAMAGES: $250,000.00 U.S.D.

JURY TRIAL DEMANDED

TERRY J. BUTLER, [IN PRO SE] REQUESTS A JURY TRIAL ON ALL QUESTIONS OF FACT RAISED BY THIS COMPLAINT.

RESPECTFULLY SUBMITTED THIS 30th DAY OF July 2008.

SIGNED Terry J. Butler

MICHAEL J. AGUIRRE, CITY ATTORNEY
CRIMINAL DIVISION
CONSUMER AND ENVIRONMENTAL
PROTECTION UNIT
1200 THIRD AVENUE, SUITE 700
SAN DIEGO, CALIFORNIA 92101-5500
TEL: (619) 533-5504

THE MEDICAL BOARD OF CALIFORNIA
CENTRAL COMPLAINT UNIT
2005 EVERGREEN STREET, SUITE 1200
SACRAMENTO,CA 95815
TEL: 1-800-6332322

KNBC NEWS,
CONSMMER CONNECTION
225 BROADWAY
SAN DIEGO, CA 92101
TEL: (619) 231-3939
Attention: CONSUMMER BOB

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

TERRY J. BUTLER,

DEFENDANTS

FILED

2008 JUL 30 AM 10:07

KAISER MEDICAL HOSPITAL, & TERESA JOY JONES, ERIKA B. JANSSON-SCHUMMACKER, MARI AHLES,

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY [signature] DEPUTY

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

TERRY J. BUTLER, (IN PRO SE)

Attorneys (If Known)

'08 CV 1378 J LSP

UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☒ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☒ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☒ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1331 THE EMERGENCY MEDICAL TREATMENT AND LABOR ACT

Brief description of cause:
MEDICAL NEGLIGENCE, INTENTIONAL MALICE, EMOTIONAL DISTRESS, EGREGIOUS ACTS

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $ 250,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ______ DOCKET NUMBER ______

DATE 07/21/2008

SIGNATURE OF ATTORNEY OF RECORD [signature: Terry J. Butler]

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______